

Amendments to House Bill No. 223
3rd Reading Copy

Requested by Senator Tom Facey

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
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1. Page 1.

Following: line 19**Insert:** "(4) (a) The balance in the state special revenue fund may be no more than the total of the income generated by licensing fees plus an equivalent amount from income generated by the death certificate fees deposited under subsection (1)."

(b) Any amount of income generated by the death certificate fees that is greater than the amount in subsection (4) (a) must be deposited in the state general fund upon certification by the department that additional funds are not needed for special circumstances as provided in 17-2-302(2)."

- END -

Explanation - 17-2-302. Limitation on balance in state or local charge for services fund -- exceptions -- audits. (1) Except as provided in this section, a state agency that deposits money into a state charge for services fund or a local government entity that deposits money into a local charge for services fund may not maintain a cash balance in the fund greater than twice the annual appropriation for that year or greater than the biennial appropriation from the account for the biennium, which includes that year from the state fund or local fund as shown in the state agency's or local government entity's initial operating plan.

(2) A state agency may maintain more money in a state fund or a local government entity may maintain more money in a local fund than is allowed by subsection (1) if the approving authority for the state agency certifies to the legislative finance committee, established by 5-12-201, or the manager of the service or function of the local government entity using money in a local fund certifies to the governing body of that entity:...

(d) whether the amount of money within the state fund or local fund that is in excess of the limitation provided in subsection (1) is necessary for the operation of the service or function of the state agency or local government entity because of:

- (i) an emergency;
- (ii) a special or unusual circumstance; or
- (iii) a fluctuation in the service, function, or charges for services of the agency or entity; and

(e) the facts and circumstances demonstrating the emergency,
unusual circumstance, or fluctuation claimed in subsection
(2)(d).